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November 29, 2021

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VIA ECF

Honorable Gregory H. Woods
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

**Re: Viahart, LLC v. Creative Kids Online, LLC, et al; Case No. 1:20-cv-09943-GHW –
Request for a Status Conference**

Dear Judge Woods:

I am reaching out for a few reasons. First, I wanted to introduce myself and our firm to you. I have been retained by Plaintiff Viahart, LLC (“Viahart”) to handle the above-captioned matter moving forward. I will be replacing both primary counsel as well as local counsel for Viahart. I am admitted to practice in the Southern District of New York. My partner, Brian Tobin, will also be entering an appearance on behalf of Viahart through an application for admission *pro hac vice*.

In addition, I am hoping that the Court would consider scheduling another short status conference for this matter. Though we were recently retained, we have had the opportunity to review the filings to date in the case as well as the transcript from parties’ November 12, 2021 status conference with the Court. We see that the Defendants have two motions to dismiss pending, which have now been fully briefed. It is our intention to prepare and file next week a Motion for Leave to Amend the Complaint and a Second Amended Complaint to address the issues raised by the parties and the Court during the November 12 status conference.

The reason we are reaching out to the Court now is because we assume the Court is in the process of addressing the briefing for the motions to dismiss and we hope to preserve the Court’s resources by trying to resolve any remaining issues through a further amendment. Although it would be our hope that the First Amended Complaint would withstand the pending motions to dismiss, we have no issue with pleading further details to address pending concerns so that we can get the case moving with discovery.

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During the requested conference, we would like to discuss the proposed amended complaint and to inquire about a revised schedule for the remaining Scheduling Order dates.

We have conferred with counsel for Defendants on the requested amendment. Creative Kids indicated that it only opposed Viahart filing a motion for leave to amend because the issue of amending the Complaint is already before the Court via Viahart's opposition to the Motions to Dismiss. Playlearn also indicated that it opposes the motion.

Thank you in advance for your time and consideration.

Very Truly Yours,

CARLSON, GASKEY & OLDS, PC

A handwritten signature in black ink, appearing to read 'Steven Susser', with a stylized, elongated horizontal stroke at the end.

Steven Susser